

# VILLAGE OF HILLBURN

## Introductory Local Law No. 3 of 2022

### A LOCAL LAW LOCAL LAW REGULATING FILMING IN THE VILLAGE OF HILLBURN

**BE IT ENACTED**, by the Village of Hillburn Village Board of Trustees as follows:

Section 1. The Code of the Village of Hillburn is hereby amended by adding thereto a new chapter, Chapter 122, entitled “Filming,” to provide as follows:

#### § 122-1. Purpose

The Board of Trustees of the Village of Hillburn wishes to create an atmosphere where the Village serves as a destination place for TV and movie production while also recognizing that some disruption of the peace and tranquility of the Village can result from these activities. For this reason, the Board of Trustees declares that it is necessary to regulate and control commercial filming in the Village both on public as well as private property.

#### § 122-2. Definitions

As used in this chapter, the following terms shall have the meanings indicated:

**FILMING** — The taking of still or motion pictures, either on film, videotape or similar recording medium, for commercial or educational purposes intended for viewing on television or in theaters or for institutional use. Filming shall include setup and breakdown time.

**PERSON** — An owner of property or an applicant for a permit under this chapter.

**PRIVATE LANDS** — All other areas within the Village of Hillburn, including areas zoned for residential as well as business use.

**PUBLIC LANDS** — Any and every public building, street, highway, sidewalk or square, public park or playground or other public place within the jurisdiction and control of the Village.

§ 122-3 Permits

- A. No person shall film or permit filming within the Village of Hillburn without first obtaining a permit therefor from the Board of Trustees, which permit shall set forth the location of such filming; the date or dates when filming shall take place; the total crew size; and such other information as may be required by the Board of Trustees.
- B. Applications for permits shall be obtained from the Village Clerk during normal business hours. Applications for such permits shall be in a form approved by the Board of Trustees and shall be accompanied by an application and permit fees as hereinafter set forth. The applicant shall provide with the application a letter from the Town of Ramapo Police Department verifying that the applicant has made arrangements with the Town of Ramapo Police Department for adequate police participation or that no such police involvement is necessary.
- C. An approved permit issued by the Village Clerk upon approval by the Board of Trustees, listing each filming location, must be obtained prior to any filming operations commencing.
- D. If a permit is issued and, due to inclement weather or other good cause, filming does not take place on the dates specified, the Village Clerk may, at the request of the applicant who shall certify that filming did not take place on the dates specified, issue a new permit for filming on other dates subject to full compliance with all other provisions of this chapter. No additional fee shall be paid for this permit.
- E. At least seven days prior to the issuance of a permit, the applicant shall notify property owners and/or businesses in writing within a two-hundred-foot radius of the filming activities, except at the discretion of the Mayor, such notification requirements may be

expanded. Notice shall be provided personally or left at residences and/or businesses along with a copy of the Filming Notification for Neighborhoods and Businesses form included with the filming application submitted to the Village.

§ 122-4. Rules and regulations; appeals; waiver of regulation.

- A. No permit shall be issued for filming upon public lands within the Village of Hillburn unless the applicant for such permit:
- i. Provides proof of insurance coverage as follows: general public liability in the amount of not less than \$2,000,000 combined single limit; automobile liability covering owned and non-owned vehicles in the amount of not less than \$2,000,000 combined single limit; and workers' compensation and disability insurance as required by the State of New York. The Village of Hillburn shall be named as an additional insured for the entire time granted by the permit.
  - ii. Agrees, in writing, to defend, indemnify and hold harmless the Village of Hillburn from any and all claims, actions at law, liability, damages, attorneys fees, costs or expenses resulting from the use of public lands or employees of the Village of Hillburn, in a form acceptable to the Village Attorney.
- B. The holder of a permit shall take all reasonable steps to minimize interference with the free passage of pedestrians and traffic over public lands and shall comply with all lawful directives issued by the any representative of the Village with respect thereto.
- C. The holder of a permit shall conduct filming in such a manner as to minimize the inconvenience or discomfort to adjoining property owners attributable to such filming and shall, to the extent practicable, abate noise and park vehicles associated with such filming off the public streets. The holder shall avoid any interference with previously

scheduled activities upon public lands and limit, to the extent possible, any interference with normal public activity on such public lands.

- D. The holder of a permit shall take all reasonable steps to minimize the creation and spread of debris and rubbish during filming and shall be responsible for the removal of all equipment, debris and other rubbish from the filming location upon the completion of the filming or upon the expiration of the permit, whichever comes first.
- E. Filming shall be permitted only Monday through Friday, between the hours of 7:00 a.m. and 8:00 p.m., unless approved by the Board of Trustees. In this connection, the arrival and setup of equipment and vehicles and the breakdown of such equipment and vehicles at the end of the filming shall be accomplished with the foregoing permitted time period.
- F. The Board of Trustees may refuse to issue a permit whenever it is determined after a review of the application and a report thereon from the Town of Ramapo Police Department, if applicable, and by any applicable Village departments or agencies involved with the proposed filming site, that filming at the location and/or the time set forth in the application would violate any law or would unreasonably interfere with the public's use of public lands, unreasonably interfere with the use and enjoyment of adjoining properties, unreasonably impede the free flow of pedestrian and vehicular traffic or otherwise endanger the public health and welfare or unreasonably disturb the peace and tranquility of adjoining property owners.
- G. Any person aggrieved by a decision of the Board of Trustees granting, denying or revoking a permit may appeal in accordance with Article 78 of the Civil Practice Law and Rules. Any such appeal must be filed not later than 30 days after the decision of the Board.

- H. The Board of Trustees may authorize a waiver of any of the requirements or limitations of this chapter and may authorize filming other than during the hours and days herein described whenever it determines that such a permit may be issued without endangering the public health, safety and welfare and without unreasonably disturbing the peace and tranquility of the neighborhood where it is proposed to film.

§ 122-5. Fees, deposit, and security.

Fees associated with this chapter shall be as follows:

- A. Nonrefundable application fee: \$300; nonrefundable application fee of \$100 for applicants filming for approved educational purposes.
- B. The Board of Trustees shall determine the permit fee on a case-by-case basis, taking into consideration any facts and circumstances which it deems to be pertinent.
- C. Upon approval of a permit by the Board of Trustees and prior to issuance of the same by the Village Clerk, the applicant shall provide a security deposit in the amount of \$5,000 to the Village Clerk. In the event that the Board of Trustees determines that the conditions of the permit have been violated, the Board of Trustees may declare that the security deposit is forfeited in its entirety or in part.
- D. Reimbursement for DPW and other involved Village employees or agencies and Town of Ramapo Police: time and a half per hour.
- E. Cost of the use of Village buildings to be determined by the Board of Trustees.

§ 122-6. Exemptions.

The provisions of this chapter shall not apply to the filming of news stories by media personnel.

§ 122-7. Penalties for offenses.

Any person who shall violate or permit the violation of any of the provisions of this chapter shall be subject to a fine in an amount not less than \$2,500 for the first offense, \$3,500 for the second offense and \$5,000 and loss of rights for a period of six months for the third and subsequent offenses.

§ 122-8. Enforcement of private/public property.

This chapter shall be enforced by the Building Inspector, such other persons as designated by the Board of Trustees and the Mayor.

Section 2. Effective Date.

This Local Law shall take effect immediately upon filing with the Secretary of State.